

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Mitchell David Holbach,)	
)	
Plaintiff,)	ORDER OF DISMISSAL FOR FAILURE TO
)	PROSECUTE
vs.)	
)	
City of Minot, County of Ward,)	
State of North Dakota,)	
)	Case No. 1:11-cv-057
Defendant.)	

Plaintiff Mitchell David Holbach (Holbach) filed a motion to proceed *in forma pauperis* and a PLRA packet with this court on July 13, 2011. See Docket Nos. 2 and 3.

On August 24, 2011, the court issued an order that denied Holbach's application to proceed *in forma pauperis* and further advised Holbach that his complaint would be dismissed without prejudice if he did not pay the requisite filing fee within thirty (30) days. See Docket No. 7. On September 21, 2011, Holbach filed what the court construed as a motion for reconsideration. See Docket No. 9. The court denied this motion on October 6, 2011. See Docket No. 10.

Ninety-nine (99) have lapsed since the court first denied Holbach's motion to proceed in *forma pauperis*. Fifty-six (56) days have lapsed since the court denied Holbach's motion for reconsideration. Holbach has yet to remit his filing fee as directed. Accordingly, the above-entitled action is hereby **DISMISSED** without prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated this 1st day of December, 2011.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court